REMARKS

Applicants have amended claims 7, 11, 14, and 15 to more appropriately claim the invention. Claims 7-15 are pending.

In the Office Action, the Examiner rejected claims 7-15 under 35 U.S.C. § 112, second paragraph, as indefinite; and rejected claims 7-15 under 35 U.S.C. § 103(a) as unpatentable over applicants' admitted prior art in view of U.S. Patent No. 5,627,094 to Chan et al. and U.S. Patent No. 5,777,355 to Possin et al.

The Examiner rejected claims 7-15 under 35 U.S.C. § 112, second paragraph, stating that there is insufficient antecedent basis for "the collection electrodes" in claims 7 and 11. Applicants have amended claims 7 and 11 to provide antecedent basis. The Examiner also stated that there is insufficient antecedent basis for "the second" in claim 14. Applicants have corrected claim 14 to recite "the second passivation layer." Finally, in claim 15, Applicants have deleted the term "wherein the" to clarify the invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the Examiner's rejection of claims 7-15 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art (hereinafter, "AAPA") in view of Chan et al. and Possin et al. To establish a *prima facie* case, the Examiner must show that, among other things, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, contains some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Applicants submit that the Examiner failed to do so.

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Claims 7 relates to method for making a high fill factor image array and claim 11 to a high fill factor image array (also known as full fill factor image arrays). The claims recite, among other things, depositing a second passivation layer that suppresses lateral leakage current.

Applicants submit that the Examiner failed to provide the requisite motivation to combine the AAPA with Chan et al. The Examiner states only that "it would have been obvious to one of ordinary skill in the art at the time of the present invention to use the second passivation layer deposition and opening steps of Chan in the method of the AAPA in order to protect the first passivation layer against contamination from further process steps." (Page 3, para. 7.) It is not clear, however, how this rationale is related to the claimed invention. Claims 7 and 11 recite a high fill factor image array and a method for making it including depositing a second passivation layer that suppresses lateral leakage current.

As the Examiner correctly recognized, Applicants' admitted prior art discloses a conventional full fill factor image array, but fails to disclose a second passivation layer that suppresses lateral leakage current. The Examiner, however, cited Chan et al. as disclosing this feature. Chan et al. generally relates to stacked container capacitors (Abstract). This reference teaches that the second dielectric layer (22) "serves as a sacrificial etch stop layer for a Chemical Mechanical Planarizing (CMP) process employed later in the process of forming the stacked container capacitor." (Col. 8, lines 9-13). Chan et al., however, fail to disclose or suggest that a second passivation layer can reduce lateral leakage current in a high fill factor image array as claimed. In fact, neither Chan et al. nor the AAPA provides the requisite motivation to combine the

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second dielectric layer (22) of Chan et al. with the full fill factor image array of the AAPA to reduce lateral leakage current.

Moreover, Applicants submit that Chan et al. is non-analogous art. In determining obviousness, the Federal Circuit stated that the scope of the prior art includes that art "reasonably pertinent to the particular problem with which the inventor was involved." *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1535 (Fed. Cir. 1983). As discussed above, the claimed invention relates to a high fill factor image array that, among other things, includes a second passivation layer to suppress lateral leakage current. In contrast, Chan et al. relates to a method of forming a stacked container capacitor with a second dielectric layer that serves as a sacrificial etch stop layer for a subsequent CMP process. Thus, the teachings of Chan et al. would not have been pertinent to the problems addressed by the inventors of the claimed invention.

Possin et al. fails to address this deficiency. This reference also fails to disclose or suggest a second passivation layer to suppress lateral leakage current. Moreover, Possin et al. does not relate to high fill factor image arrays, but to conventional photosensitive elements.

For those reasons, Applicants request that the Examiner reconsider and withdraw the rejection of claims under 35 U.S.C. § 103(a). Applicants submit that claims 7 and 11 are in condition for allowance, as are claims 8-10 and 12-15, at least by virtue of their dependency from allowable claims 7 and 11.

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If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 24-0037.

Respectfully submitted,

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